

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KATHRYN KNOWLTON, et al.,

Plaintiffs,

v.

Case No. 2020-CV-01660

CITY OF WAUWATOSA, et al.,

Defendants.

**DECLARATION OF KILEY B. ZELLNER IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR DEFAULT**

STATE OF WISCONSIN)
)ss.
MILWAUKEE COUNTY)

Kiley B. Zellner, being first duly sworn on oath, deposes and says:

1. Affiant is an adult resident of the State of Wisconsin and Attorney with Gunta Law Offices, S.C, attorney for the defendants in the above-captioned matter.

2. I make this affidavit upon personal knowledge and in support of Defendants' Opposition to Plaintiffs' Motion for Default.

3. On or about February 15, 2022, Plaintiffs filed a Fourth Amended Summons and Complaint in the above-captioned case.

4. On February 16, 2022, Attorney Motley who is counsel for Plaintiffs in this matter contacted our office regarding the filing of the Fourth Amended Complaint and inquired if we would accept service on behalf of newly named defendants. (*See Exhibit A:* email from Motley dated February 16, 2022)

5. On February 18, 2022, Attorney Motley again contacted our office attaching and

requesting we execute waivers of service for seven additional defendants. (See Exhibit A: email from Motley dated February 18, 2022)

6. On the same day, after our office advised we would execute the seven additional waivers, Attorney Motley replied and attached three additional waivers of service for the City of Wauwatosa, Barry Weber, and Dennis McBride. Attorney Motley advised “these are the last ones.” (See **Exhibit A**: email from Motley dated February 18, 2022 at 2:20 PM)

7. On February 21, 2022, the executed waivers of service for the City of Wauwatosa, Barry Weber, and Dennis McBride were provided to counsel for Plaintiffs. (**Exhibit B**: email forwarding additional executed waivers of service)

8. On March 21, 2022, Attorney Motley emailed defense counsel and for the first time suggested some defendants were late in filing an answer. Attorney Motley suggested a meet and confer to discuss. Defense counsel advised Attorney Motley it was their position, based on the executed waivers, that each defendant had 60 days to answer. Attorney Motley disagreed and defendants offered March 24 or 25th to meet and confer. Attorney Motley responded “[n]o need to confer the emails speak for themselves.” (**Exhibit C**: emails regarding meet and confer)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on March 28, 2022.

/s/ Kiley B. Zellner
Kiley B. Zellner